

## **9 FAM 40.208 CERTAIN ALIENS INVOLVED IN POLITICAL KILLINGS**

*(TL:VISA-515; 01-29-2003)*

### **9 FAM 40.208 RELATED STATUTORY PROVISIONS**

*(TL:VISA-515; 01-29-2003)*

See 22 CFR 40.208

#### **Sec. 616 of Public Law 105-277**

SEC. 616. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

- (1) Has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yvez Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;
- (2) Has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Adviser Anthony Lake in December 1965, and acted upon by President Rene Preval;
- (3) Was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1965, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then minister of Justice of the Government of Haiti, Jean-Joseph Erume;
- (4) Was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in;
  - (A) The September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or
  - (B) The murders of thousands of Haitians during the period 1991

through 1994; or

- (5) Has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.
  - (b) EXEMPTION: Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.
  - (c) REPORTING REQUIREMENT: (1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extra judicial and political killings mentioned in paragraph (1) of subsection (a).
- (2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this act. \*
- (3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens re-fused entry to the United States as a result of this provision.
- (4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment\* of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed its investigation of the extra judicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).
  - (d) DEFINITION: In this section, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

\*Enacted October 21, 1998.